

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 07-00678 JSW

v.

GLENIO JESUA FERREIRA SILVA,

Defendant.

**ORDER GRANTING IN PART
AND DENYING AS MOOT IN
PART DEFENDANT'S MOTIONS
FOR NOTICE OF RULE 404(b)
EVIDENCE AND FOR NOTICE
OF THE INTENTION TO USE
EVIDENCE**

Now before the Court are Defendant Glenio Silva's Motion for Notice of Rule 404(b) Evidence and Motion for Notice by the Government of the Intention to Use Evidence. These motions are set to be heard on May 15, 2008, however the Court finds them suitable for disposition without oral argument. The hearing on those motions is VACATED. The hearing on Defendant's Motion to Compel Discovery remains on calendar pending further order of this Court.

In his reply, Defendant accepts the Government's representations that it will comply with the requests he has made. Accordingly, Defendant's motion for notice by the Government of the intention to use evidence¹ and his motion for notice of Rule 404(b) evidence are DENIED IN PART AS MOOT.

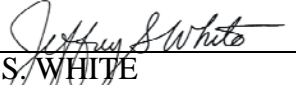
In its opposition brief, the Government offers to notify the Defendant of its intent to introduce 404(b) evidence two weeks prior to trial. Defendant asks that the Court require the

¹ This ruling is without prejudice to raising any alleged non-disclosures in connection with motions in limine.

1 Government to disclose this evidence earlier. Defendant's motion is GRANTED IN PART on
2 this basis. This Court's Guidelines for Motions, Final Pretrial Conferences, and Trial sets forth
3 the following requirements for motions in limine: "[a]t least thirty (30) calendar days before the
4 Final Pretrial Conference, the moving party shall serve, *but not file*, the opening brief. At least
5 twenty (20) calendar days before the Final Pretrial Conference, the responding party shall serve
6 the opposition. There will be no reply." The Court requires that motions in limine be filed with
7 the Court fourteen calendar days before the final pretrial conference. (Guidelines for Motions,
8 Final Pretrial Conference and Trial in Criminal Jury Cases, ¶ 3.) In order to provide the
9 Defendant with ample opportunity to prepare motions in limine, the Government shall provide
10 notice of its intention to use Rule 404(b) evidence 45 days prior to the final pretrial conference.

11 **IT IS SO ORDERED.**

12 Dated: May 5, 2008

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15 JEFFREY S. WHITE
16 UNITED STATES DISTRICT JUDGE
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